HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

Group 'A'

(1) S.B. Civil Writ Petition No. 8568/2024

Shalendra Kumar Yadav S/o Shri Mool Chand Yadav, Aged About 36 Years, R/o VPO Banar, Tehsil And District Kotputli, District Jaipur.

----Petitioner

Versus

1. State of Rajasthan, through the Principal Secretary, Animal Husbandry Department, Government Secretariat, Jaipur (Raj.)
2. The Principal Secretary, Department of Personnel, Government Secretariat, Jaipur (Raj.)
3. Rajasthan Public Service Commission, through its Secretary, Ghooghra Ghati, Ajmer
4. Priyanshi Yadav (Roll No. 203768) D/o Shri Arvind Yadav, Resident House No. 107, Flat No. 103, Vishweshariya Nagar, Near Triveni Chouraha Ke Pass, Radha Swami Satsang Park Ke Samne, Jaipur- 302005
5. Virendra Singh S/o Shri Keshram Gurjar, R/o Village & Post Badagaon, Tehsil Nandauti, District Karauli-322216
6. Shri Abhijeet Purohit (Roll No. 204010) S/o Shri Dr. Raja Purohit, R/o Prayag Bhawan, Ladji Ke Bere Ke Samne, Khanda Falsa, Jodhpur

----Respondents

Connected With

(2) S.B. Civil Writ Petition No. 14022/2024

1. Virendra Singh S/o Shri Govind Singh, Aged About 40 Years, R/o Olagarh, Kheri, Radan Sikar Rajasthan, Roll No. 203384
2. Kiran Kumari Khichar C/o Mukesh Haritwal, Aged About 35 Years, R/o Ward No.9 Haritwalo Ki Dhani, Dheengpur, Sikar Rajasthan, Roll No. 203573
3. Anuj Kumar S/o Shri Ram Niwas, Aged About 32 Years, R/o Dheengi Churu, Dhingi Rajasthan, Roll No. 201076
4. Amit Kumar Lavania S/o Jagdish Prasad Sharma, Aged About 32 Years, R/o C.76, Rajendra Prasad Nagar, Badar

Vas, Ward No.19, Jaipur Rajasthan, Roll No.203410

5. Yash Bhargava S/o Shri Dr. Sandeep Bhargava, Aged About 29 Years, R/o 1262/3, A- Deeg Gali, Kachchi Sadak, Mathura, Uttar-Pradesh, Roll No. 202687

6. Rahul Kumar Sharma S/o Shri Satish Kumar Sharma, Aged About 31 Years, R/o Sinchai Vibhag Ke Saamne, Kamala Colony, Dhaulpur, Rajasthan, Roll No.200605

7. Puneet Jain S/o Shri Paras Kumar Jain, Aged About 31 Years, R/o C-79-80, Malviya Nagar, Alwar, Rajasthan, Roll No.203200

8. Abhishek Kumar Pandey S/o Shri Manoj Kumar Pandey, Aged About 29 Years, R/o Ward No.4, Shakti Nagar Purani, Abadi, Ganganagar, Rajasthan, Roll No.201337

9. Ashok Kumar Choudhary S/o Shri Khuma Ram Choudhary, Aged About 35 Years, R/o Gang Gong Jalor, Rajasthan, Roll No.204157

10. Arvind Beniwal S/o Shri Amrit Singh Beniwal, Aged About 32 Years, R/o Mandawara, Hindaun City, Karauli, Rajasthan, Roll No.200631

11. Pawan Kumar Katewa S/o Shri Chand Singh, Aged About 36 Years, R/o Alipur, Jhunjhunu, Rajasthan, Roll No.203053

12. Amit Kumar S/o Shri Ashok Kumar, Aged About 31 Years, R/o Ondela Road, Dholpur, Dhaulpur, Rajasthan, Roll No.200600

13. Manvendra Singh S/o Bhawan Singh, Aged About 33 Years, R/o Belara, Kalan, Bharatpur Rajasthan, Roll No.200504

14. Karamveer Choudhary S/o Shri Ramniwas Choudhary, Aged About 30 Years, R/o Durana, Jhunjhunu, Rajasthan, Roll No.203036

15. Pankaj Beniwal S/o Shri Nemichand Beniwal, Aged About 32 Years, R/o Village Kua Stand, Raghunathpura, Derwala, Jhunjhunu, Rajasthan, Roll No.202795

16. Kartika Nagar D/o Amar Lal, Aged About 32 Years, R/o B-7, Road No.1, Krishana Nagar, Police Line, Nayapura, Kota Rajasthan, Roll No.204532

17. Rajveer Singh S/o Shri Hari Narayan Jat, Aged About 31

Years, R/o 117, Gandhi Chowk, Gram Bobadi The- Jamwa Ramgarh, Jaipur, VTC- Bobari, Sub District Jamwaramgarh, District Jaipur, Rajasthan, Roll No.203320

18. Manaswini Sharma D/o Raghuveer Sharma, Aged About 35 Years, R/o N-H, The Chomu Kalu Ka Bas Colony, Govindgarh, Jaipur Rajasthan, Roll No.203369

19. Liladhar S/o Lal Chand, Aged About 32 Years, R/o Ward No. 26, Gali No.3, Surya Nagar, Hanumangarh, Town 8 SSW, Kohlan, Hanumangarh, Rajasthan, Roll No.201290

20. Anurag S/o Shri Ramawtar, Aged About 34 Years, Nawalgarh Road, Kisan Colony, Sikar, Rajasthan, Roll No.203622

21. Asif Mohamad S/o Asfak Mohamad, Aged About 40 Years, R/o 2-C-56, Housing Board Senthi, Chittaurgarh, Rajasthan, Roll No.204552

22. Vinod Yadav S/o Shri Shiv Ram Yadav, Aged About 31 Years, R/o Ward No-19, Bhomaka Ki Dhani, Chomu, Tripolia Chomu, Jaipur, Rajasthan, Roll No.203297

23. Soniya Damor C/o Yatish Bamniya, Aged About 33 Years, R/o Village Malwasa, Post Sangod, District Banswara, Rajasthan , Roll No.205059

24. Komal Khichar C/o Neeraj Periwal, Aged About 31 Years, R/o A-206, Vatika Enclave, Jaipur Road, Bikaner, PO-Bikaner, District Bikaner, Rajasthan, Roll No.202872

25. Ayush Pareek C/o Naresh Sharma, Aged About 33 Years, R/o Gully No. 5, Near Vande Matram Chowk, Radhakishanpura, VTC- Radha Kishanpura (Rural) PO Sikar, Sub District Sikar, Rajasthan , Roll No.203680

26. Sunita Kumari W/o Vishal Kumar, Aged About 34 Years, R/o Ghoriwara Kalan, Jhunjhunu, Rajasthan, Roll No. 203070

27. Rohit Kumar Tiwari S/o Ramavatar Sharma, Aged About 32 Years, R/o Sabdawali, Tehsil Baswa, District Dausa, Rajasthan , Roll No. 203411

----Petitioners

Versus

1. State of Rajasthan, through the Principal Secretary, Animal Husbandry Department, Government Secretariat,

Jaipur (Raj.)

2. The Principal Secretary, Department of Personnel, Government Secretariat, Jaipur (Raj.)
3. Rajasthan Public Service Commission, through its Secretary, Ghooghra Ghati, Ajmer.
4. Tarachand S/o Shri Narayan Ram, Aged About 31 Years, R/o Village Bajiyasar, Post Kitalsar, Tehsil Degana, District Nagaur, Rajasthan.
5. Santosh D/o Shri Ganesh Ram, Aged About 30 Years, R/o Village Khokhara Tehsil Sojat District Pali, Rajasthan.
6. Mrinal Verma S/o Shri Yogeshwar, Aged About 28 Years, R/o I-E-22, New Housing Road, Khoda Ganesh Ji Road, Madanganj, Kisshangarh, District Ajmer, Rajasthan.
7. Sachin Patidar S/o Shri Manoj Kumar Patidar, Aged About 29 Years, R/o Mukam, Post Dovra, Tehsil Dungarpur, District Dungarpur, Rajasthan.
8. Himanshu Saini S/o Shri Anand Saini, Aged About 29 Years, R/o Near Goinka School, Ward No. 59, Tehsil Churu, District Churu, Rajasthan.
9. Jayanu Parmar D/o Shri Rajesh Parmar, Aged About 28 Years, R/o VPO Mahuwal, Post Sarera, Tehsil Kherwara, District Udaipur, Rajasthan.

----Respondents

(3) S.B. Civil Writ Petition No. 14868/2024

1. Amar Singh Saini S/o Shri Babu Lal Saini, Aged About 31 Years, R/o 700, Dhani Sheraala, Tehsil Khetri, Village Babai, District Jhujhunu
2. Kapil Kumar Godara S/o Shri Nand Lal, Aged About 28 Years, R/o Ward No. 10, Village And Post Dhandhan, Sikar
3. Hitesh Kumar S/o Shri Tara Chand Poonia, Aged About 29 Years, R/o VPO Nua, Poonia Market Nua, District Jhunjhunu
4. Raj Kumar Saran S/o Shri Sukha Ram Saran, Aged About 37 Years, R/o Village And Post Daudsar, Tehsil Ratangarh, District Churu
5. Kamal Kishore Jakhar S/o Shri Manga Ram Jakhar, Aged About 35 Years, R/o Ward No. 07, Hanuman Nagar, Khivtana, Post Dotina, Tehsil Degana, District Nagaur

6. Dharmveer Singh S/o Shri Om Prakash, Aged About 39 Years, R/o Village Badki Dhani, Post and Tehsil Gudagaudji, District Jhunjhunu
7. Vikas Kumar S/o Shri Shishupal Singh, Aged About 33 Years, R/o VPO Kaseru, Tehsil Nawalgarh, District Jhunjhunu
8. Pooja Nimber D/o Shri Sitaram Nimber, Aged About 32 Years, R/o 964, Sankhwas, PO Sankhwas, District Nagaur-341028 Nagaur

----Petitioners

Versus

1. State of Rajasthan, through the Principal Secretary, Animal Husbandry Department, Government Secretariat, Jaipur (Raj.)
2. The Principal Secretary, Department of Personnel, Government Secretariat, Jaipur (Raj.)
3. Rajasthan Public Service Commission, through its Secretary, Ghooghra Ghati, Ajmer
4. Tara Chand S/o Sh. Narayan Ram DOB - 11.06.1993 Registration No.-RSVC/5751/2020, Address- Village-Bajiyasar, Post- Kitalsar, Tehsil- Degana, District- Nagaur, (Rajasthan) Pin-341503
5. Santosh D/o Sh. Ganesh Ram DOB - 01.07.1994 Registration No.- RSVC/5730/2020, Address- Village-Khokhara, Tehsil- Sojat, District- Pali, (Rajasthan) Pin-306306
6. Mrinal Verma S/o Sh. Yogeshwar DOB -05.03.1996 Registration No.- RSVC/5798/2020, Address - I-E-22, New Housing Board, Khoda Ganesh Ji Road, Madangang-Kisshangarh, District- Ajmer, (Rajasthan) Pin-305801
7. Sachin Patidar S/o Sh. Manoj Kumar Patidar DOB-15.11.1995 Registration No.- RSVC/5818/2021, Address-Mukam, Post- Dovra, Tehsil- Dungarpur, District-Dungarpur (Rajasthan) Pin- 314036
8. Himanshu Saini D/o Sh. Anand Saini DOB. - 07.05.1995 Registration No.- RSVC/5692/2020, Address- Near Goinka School, Ward No. 59, Tehsil- Churu, District - Churu (Rajasthan) Pin- 331001

9. Jayanu Parmar D/o Sh. Rajesh Parmar DOB - 09.05.1996 Registration No.- RSVC/5693/2020, Address- VPO - Mahuwal, Post- Sarera, Tehsil- Kherwara, District- Udaipur (Rajasthan) Pin- 313804

10. Gireesh Joshi S/o Shri Jitendra Kumar Joshi, R/o Plot No. 80, Nalanda Vihar, Maharani Farm, Dugapura, Jaipur District Jaipur (Raj.)

----Respondents

(4) S.B. Civil Writ Petition No. 14887/2024

1. Gajendra Singh S/o Shri Bhanwar Singh, Aged About 35 Years, R/o 243-244, Madhav Nagar, Opp. Durgapura Railway Station, Durgapura Jaipur, Rajasthan.

2. Himanshu Raj Singh Chunwawat S/o Shri Mahipal Singh Chundawat, Aged About 32 Years, R/o Village Gara Ekling Ji, Tehsil Aspur, Gram Panchayat Khera Aspur, Dungarpur.

----Petitioners

Versus

1. State Of Rajasthan, through Secretary, Department of Animal Husbandry, Secretariat, Jaipur.

2. Rajasthan Public Service Commission, through its Secretary, Ghooghra Ghati, Ajmer.

----Respondents

(5) S.B. Civil Writ Petition No. 17266/2024

1. Durga Ram S/o Khema Ram, Aged About 36 Years, R/o Naino Ki School, Siyalo Ki Dhani, Village Raichandpura, Post - Bhojasar, Tehsil - Baitu, District Barmer. (Roll Number - 204099).

2. Praveen Panwar S/o Kishore Kumar, Aged About 33 Years, R/o 18E225, Chopasani Housing Board, Backside ICICI Bank, Jodhpur, District Jodhpur. (Roll Number - 204097).

3. Sanjeev Kumar S/o Surendra Kumar, Aged About 37 Years, R/o V/P - Kumawas, Tehsil - Nawalgarh, District Jhunjhunu. (Roll Number - 203065).

4. Mukesh Kumar S/o Bhoop Singh, Aged About 35 Years, R/o House No. 1581, Sector-20, Part-2, HSVP, Sirsa, District Sirsa, Hariyana. (Roll Number - 200023).

5. Sunil Kumar S/o Ram Narayan, Aged About 34 Years, R/o Gugurwalo Ka Mohalla, Chuwa, Degana, District Nagaur. (Roll Number - 200023).

----Petitioners

Versus

1. The State of Rajasthan, through the Principal Secretary, Animal Husbandry Department, Government Secretariat, Jaipur
2. The Principal Secretary, Department of Personnel, Government Secretariat, Jaipur (Raj.).
3. Rajasthan Public Service Commission, through its Secretary Ghooghra Ghati, Ajmer.
4. Priyanshi Yadav D/o Shri Arvind Yadav, (Roll No. 203768) R/o House No. 107, Flat No. 103, Vishweshariya Nagar, Near Triveni Chouraha, Opposite Radha Swami Satsang Park, Jaipur - 3020005 (Mobile 9462941309)
5. Virendra Singh S/o Shri Kesharam Gurjar, R/o Village Post Badagaon, Tehsil Nandauti, District Karauli - 322216 (Mobile 8107428186).
6. Shri Abhijeet Purohit S/o Shri Dr. Raja Purohit, (Roll No. 204010) R/o Prayag Bhawan, Ladji Ke Nearby Locality Centre, Khanda Falsa, Jodhpur (Mobile 9660134102).

----Respondents

Group 'B'

(6) S.B. Civil Writ Petition No. 3965/2024

Dr. Abhijeet Purohit S/o Dr. Raja Purohit, Aged About 26 Years, R//o 17E/732, Chopasni Housing Board, Jodhpur (Raj.).

----Petitioner

Versus

1. State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, through its Secretary, Ajmer.

3. Veterinary Council of India, through its Secretary, Address- A Wing, 2nd Floor, Aurust Kranti Bhawan, Bhikhaji Cama Place, New Delhi.
4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), through its Registrar, Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner.
5. Aravali Veterinary College, through its Principal, NH-52, Bajor District Sikar.

----Respondents

(7) S.B. Civil Writ Petition No. 17934/2023

1. Dr. Pushpendra Chawla Khatik S/o Piru Lal Chawla Khatik, Aged About 27 Years, R/o VPO Daulatgarh, Tehsil Asind, District Bhilwara (Raj.).
2. Dr. Bal Ram Meena S/o Teeka Ram Meena, Aged About 32 Years, R/o VPO Samleti, Tehsil Mahwa, District Dausa (Raj.).
3. Dr. Rahul Maurya S/o Suresh Kumar Maurya, Aged About 26 Years, R/o Village Jodhpura, Tehsil Kotputli, District Jaipur (Raj.)
4. Dr. Kaishav Kumar Bairwa S/o Banwari Lal, Aged About 28 Years, R/o Meena Colony, Near Defense School, Sawai Madhopur (Raj.)

----Petitioners

Versus

1. State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government Of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission Ajmer, through its Secretary.
3. Veterinary Council Of India, A-Wing, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi, through its Secretary.
4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), R/o Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.
5. College of Veterinary and Animal Sciences, Bikaner through its Principal.

6. College of Veterinary and Animal Sciences, R/o Nawania, Vallabh Nagar, Udaipur, through its Principal.
7. Post Graduate Institute of Veterinary Education and Research (Pgiver), R/o NH-11, Agra Road, Jamdoli, Jaipur, through its Dean And Chairman.
8. Aravali Veterinary College, NH-52, Bajor, District Sikar, through its Principal.

----Respondents

(8) S.B. Civil Writ Petition No. 18234/2023

1. Dr. Arvind S/o Shri Subhash Dhaka, Aged About 26 Years, R/o Plot No.3, Nursing Colony, Opp. High Court Colony, Ratanada, Jodhpur (Raj.)-342001.
2. Dr. Gajendra Singh S/o Shri Samandra Singh, Aged About 30 Years, R/o Village Melawas, Post Musaliya, Tehsil Marwar Junction, District Pali (Raj.)-306103.
3. Dr. Yogesh Dokwal S/o Shri Kailash Sharma, Aged About 27 Years, R/o Near Clock Tower, Maru Street, Ward No.30, Sikar (Raj)- 332001.
4. Dr. Kapil Kumar Sharma S/o Shri Norang Lal Sharma, Aged About 28 Years, R/o Nehru Nagar, Teshil Nohar, District Hanumgnarh (Raj.)
5. Dr. Harendra Singh Rajoriya S/o Shri Subhash Chand, Aged About 26 Years, R/o VPO Mator, Tehsil Mundawar, District Alwar (Raj.)-301404.
6. Dr. Nupur Pandey D/o Shri Om Prakash Pandey, Aged About 26 Years, R/o C-181, Agrasen Nagar, Churu (Raj.)- 331001.
7. Dr. Warsha Choudhary D/o Shri Ramesh Chand, Aged About 26 Years, R/o 80 Feet Road, Ward No.20, Ganga Colony, Kherliganj, Alwar (Raj.)- 321606.
8. Dr. Kusum Meghwal D/o Shri Narayan Lal Meghwal, Aged About 26 Years, R/o H.No.413, Singhatwara, Zawar Mines, Udaipur (Raj.)- 313901.
9. Dr. Komal Chandel D/o Shri Lalchand Chandel, Aged About 26 Years, R/o 247/30, Shiv Colony, Bai Ji Ki Kothi, Jhalana Doongri, Jaipur (Raj.) - 302004.
10. Dr. Lakshmi Yadav D/o Shri Jai Prakash Yadav, Aged

About 25 Years, R/o Majari Khurd, Tehsil Neemrana, District Alwar (Raj.) - 301703.

11. Dr. Nikita D/o Shri Pritam Singh, Aged About 25 Years, R/o Jejusar, Tehsil Nawalgarh, District Jhunjhunu (Raj.)- 333707.

12. Dr. Dashrath Khemada S/o Shri Bhanwar Lal, Aged About 26 Years, R/o Harsolao, Tehsil Merat City, District Nagaur (Raj.)- 331022.

13. Dr. Pushpendra Nanoma S/o Shri Manohar Lal Nanoma, Aged About 26 Years, R/o Talaiya, Tehsil Bicchhiwara, District Dungarpur (Raj.)- 314801.

14. Dr. Avinash Atal S/o Shri Daya Ram Atal, Aged About 27 Years, R/o F-17, Ambedkar Nagar, Alwar (Raj.)- 301001.

15. Dr. Ankit Sharma S/o Shri Gopal Lal Sharma, Aged About 26 Years, R/o Behind Dr. Gotwal House, Amba Colony, Kuchaman City (Raj.)

16. Dr. Shweta Sharma D/o Shri Radhey Shyam Sharma, Aged About 26 Years, R/o Shree Govind Nagar, Nadi Ka Phatak, Murlipura, Jaipur (Raj.) 302039.

17. Dr. Priyanka Pahadiya D/o Shri Ram Pratap Pahadiya, Aged About 27 Years, R/o 21-A, Chandra Nagar Gujar Ghati Amer Road, Jaipur (Raj.)- 302002.

18. Dr. Saurabh Sharma S/o Shri Hari Om Sharma, Aged About 26 Years, R/o Bank Of Baroda Street, Shanti Kunj Colony, Aklera, Jhalawar (Raj.)- 346033.

19. Dr. Hemant Kumar Fagana S/o Shri Mahesh Chand, Aged About 26 Years, R/o Ajabpura, Tehsil Thanagaji, Alwar (Raj.)- 301024.

20. Dr. Meenu Todwal D/o Shri Narendra Kumar Todwal, Aged About 26 Years, R/o P.No. 155, Arjun Nagar, Durgapura, Tonk Road, Jaipur (Raj.) - 302018.

21. Dr. Karan Singh Gurjar S/o Shri Darshan Singh Gurjar, Aged About 26 Years, R/o V and P Paota, Tehsil Mahwa, District Dausa (Raj.)- 321612.

22. Dr. Mayank Sharma S/o Shri Vishwanath Sharma, Aged About 26 Years, R/o Gokul Bhawan, Santar Road, Dholpur (Raj.)- 328001.

23. Dr. Mriganka Karwa D/o Shri Ram Gopal Karwa, Aged About 26 Years, R/o Village Karwo Ka Bas, Tehsil Mozamabad, District Dudu (Raj.) - 303604.

24. Dr. Yogesh Kumar Sharma S/o Shri Rajesh Kumar Sharma, Aged About 26 Years, R/o Near Khandelwal Dharmshala, Bada Bazar, Baswa, Dausa (Raj.) - 303327.

25. Dr. Akshita Malav D/o Shri Raghunandan Malav, Aged About 26 Years, R/o 19, Aanand Vihar, Ward No.02, Adarsh Nagar, Kota Road, Baran (Raj.)-325205.

26. Dr. Koshal Kumar Meena S/o Shri Ganga Sahay Meena, Aged About 27 Years, R/o Village Mohanpura, Post Chudiyawas, Tehsil Nangal, District Dausa (Raj.)-303505.

27. Dr. Mamta Gurjar D/o Shri Ramesh Chand Gurjar, Aged About 25 Years, R/o Pichani, Kotputli, Jaipur (Raj.)

28. Dr. Karan Singh Bairwa S/o Shri Ramswroop Bairwa, Aged About 27 Years, R/o Village Aniyala, Post Malarna Chour, Tehsil Malarna Dungar, District Sawai Madhopur (Raj.) - 322030.

29. Dr. Nikki Choudhary D/o Shri Sahi Ram Beniwal, Aged About 25 Years, R/o Village Pura Ki Dhani, Post Derwala, District Jhunjhunu (Raj.)-333001.

30. Dr. Chandra Kanwar Chawara D/o Shri Lal Singh Chawara, Aged About 27 Years, R/o Gyan Sadan, Near Shri Ram Mandir, Old Industrial Area, Rani Bazar, District Bikaner (Raj.)- 334001.

----Petitioners

Versus

1. State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.

2. Rajasthan Public Service Commission, Ajmer through its Secretary.

3. Veterinary Council of India, A-Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.

4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.

5. Post Gradeuate Institute Of Veterinary Education And Research (Pgiver), NH-11, Agra Road, Jamdoli, Jaipur, through its Dean and Chairman.

----Respondents

(9) S.B. Civil Writ Petition No. 18538/2023

1. Dr. Jayesh Dhoral S/o Shri Ridmal Ram, Aged About 27 Years, R/o Karola, Tehsil Sanchore, District Sanchore (Raj.).

2. Dr. Bhavna Bhardwaj D/o Shri Mahendra Singh, Aged About 25 Years, R/o Punjabi Mohalla, New Road, Deeg, Bharatpur (Raj.).

3. Dr. Sunita Kanwar D/o Shri Anop Singh Rathore, Aged About 29 Years, R/o Pabusar, Tehsil Ratangarh, District Churu (Raj.).

4. Dr. Tarachand Khatik S/o Shri Ramswaroop Khatik, Aged About 26 Years, R/o VPO Borada, Sarwar, District Ajmer (Raj.).

5. Dr. Shailendra Singh Bansiwal S/o Shri Bhoor Singh, Aged About 30 Years, R/o Milkipura, Dhindhora, Suroth, District Karauli (Raj.).

6. Dr. Gajendra Singh Gurjar S/o Shri Dharm Singh, Aged About 29 Years, R/o Neotha, Tehsil Nadbai, District Bharatpur (Raj.).

7. Dr. Gourav Sisodiya S/o Shri Devnarayan Sisodiya, Aged About 26 Years, R/o Jhuntha, Raipur, Pali (Raj.).

8. Dr. Vikas Meena S/o Shri Mohan Lal Meena, Aged About 24 Years, R/o Village Banjariya, Tehsil And Post Kherwara, Udaipur (Raj.).

9. Dr. Vimla Choudhary D/o Shri Ramlal Choudhary, Aged About 26 Years, R/o Genaniyon Ka Tala, Khume Ki Beri, Dudu Dorimanna (Raj.).

10. Dr. Madhu Meena D/o Shri Tejram Meena, Aged About 29 Years, R/o Katkad, Hindaun City, Karauli (Raj.).

11. Dr. Manak Ram S/o Shri Bhundaram, Aged About 26 Years, R/o Meghwalo Ka Bas, Bilawas, Sojat City, District Pali (Raj.).
12. Dr. Ramesh Verma S/o Shri Sitaram Verma, Aged About 27 Years, R/o C-17, Dadhichi Nagar, Road No. 5, VKI, Jaipur (Raj.).
13. Dr. Priyanka Masar D/o Shri Jeetmal Masar, Aged About 26 Years, R/o V and P Panasichooti, Tehsil Garhi, District Banswara (Raj.).
14. Dr. Ritika Vyas D/o Shri Satish Prakash Sharma, Aged About 25 Years, R/o 01, Shastri Nagar, Chittorgarh (Raj.).
15. Dr. Aakansha Mathur D/o Shri Dharmendra Kumar Mathur, Aged About 26 Years, R/o 48, Vishwakarma Nagar, 80 Feet Link Road, Near Bajrang Nagar, Kota (Raj.).
16. Dr. Suryaprakash Chouhan S/o Shri Baldev Raj Chouhan, Aged About 26 Years, R/o Ganesh Chowk, Sojat City, Pali (Raj.).

----Petitioners

Versus

1. The State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer, through its Secretary.
3. Veterinary Council of India, A-Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.
4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.
5. College Of Veterinary and Animal Sciences, Nawania, Vallabh Nagar, Udaipur, through its Principal.
6. Aravali Veterinary College, NH-52, Bajor, District Sikar, through its Principal.

----Respondents

(10) S.B. Civil Writ Petition No. 18553/2023

1. Dr. Phool Kanwar D/o Shri Jamat Singh Sodha, Aged About 29 Years, R/o Near Govt. Sr. Sec. School, Pugal, District Bikaner (Raj.)
2. Dr. Meenu Sharma D/o Shri Mool Chand Sharma, Aged About 29 Years, R/o 68, Sundar Nagar, Opp. Railway Station Sanganer, Jaipur (Raj.)
3. Dr. Pooja Gurjar D/o Shri Rajdhar Singh, Aged About 27 Years, R/o A-64, Shiv Vihar Colony, Khatipura, Jaipur (Raj.)
4. Dr. Pooja Meena D/o Shri Ram Singh Meena, Aged About 25 Years, R/o Plot No. 86, Dev Nagar, Sanwali Road, Sikar (Raj.)
5. Dr. Brijbhushan Tiwari S/o Shri Ramesh Chand Sharma, Aged About 25 Years, R/o Kalyanpura, Sapotra, District Karoli (Raj)
6. Dr. Shailja D/o Shri Ravindra Kumar Singh, Aged About 27 Years, R/o Central Colony, Road No. 9, VKI, Jaipur (Raj.)
7. Dr. Chandra Prakash S/o Shri Ramlal, Aged About 29 Years, R/o Village Gangapura, Post Khotiya, Tehsil Ramgarh Shekhawati, District Sikar (Raj.)
8. Dr. Dinesh Kumar Meena S/o Shri Ramhet Meena, Aged About 26 Years, R/o Jawali Ka Badh, Baswa, Dausa (Raj.)
9. Dr. Chain Singh S/o Shri Anek Singh, Aged About 26 Years, R/o Bharatpur (Raj.)
10. Dr. Tripti Bhatia D/o Shri Purushottam Bhatia, Aged About 25 Years, R/o Indra Colony, Bikaner (Raj.)
11. Dr. Savitree Sihag D/o Shri Tolaram Sihag, Aged About 28 Years, R/o H. No. 34, Gali No. 8, Ambedkar Colony, Old Shiv Bari Road, Bikaner (Raj.)
12. Dr. Kirtika Panwar D/o Shri Prakash Chand Panwar, Aged About 27 Years, R/o Ward No. 4, Ratangarh, District Churu (Raj.)

13. Dr. Yatindra Singh Sengar S/o Shri Ghanshyam Singh Sengar, Aged About 25 Years, R/o Sengar Sadan, Shubh Laxmi Nagar, Gangapur City (Raj.)
14. Dr. Vishvendra Meena S/o Shri Ramavtar Meena, Aged About 27 Years, R/o 01, Bagh Ka Pura, Wagla Meena, Karauli (Raj.)
15. Dr. Satveer Mokharia S/o Shri Dayanand Mokharia, Aged About 28 Years, R/o Dhayalo Ka Bas, Kari, Nawalgarh, Jhunjhunu (Raj.)
16. Dr. Saroj Katara D/o Shri Harish Chandra Katara, Aged About 28 Years, R/o Simalwara, District Dungarpur (Raj.)
17. Dr. Darpan Meena S/o Shri Basanti Lal, Aged About 28 Years, R/o Gatod, Sarada, Udaipur (Raj.)

----Petitioners

Versus

1. State of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer, through its Secretary.
3. Veterinary Council of India, A-Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.
4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.
5. College of Veterinary and Animal Sciences, Bikaner, through its Principal.

----Respondents

(11) S.B. Civil Writ Petition No. 19567/2023

Dr Sheetal Choudhary D/o Shri Ramratan Choudhary, Aged About 27 Years, R/o Village / Town 73 Brij Bawari, Lalsagar, Ward No. 75, Jodhpur (Raj.).

----Petitioner

Versus

1. State of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer, through its Secretary.
3. Veterinary Council of India, A-Wing, 2nd Floor, Augustkranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.
4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.
5. College of Veterinary and Animal Sciences, Nawania, Vallabh Nagar, Udaipur through its Principal .

----Respondents

(12) S.B. Civil Writ Petition No. 180/2024

1. Dr. Kamlesh S/o Shri Narayan Ram, Aged About 29 Years, R/o 190, Nakoda Nagar, Ward No. 3, District Jodhpur (Raj.).
2. Dr. Dileep Singh S/o Shri Hindu Singh, Aged About 25 Years, R/o Village Ketukalan, Tehsil Sekhala, District Jodhpur (Raj.).
3. Dr. Dilkushmeena S/o Shri Rambilashmeena, Aged About 28 Years, R/o Near Govt. Secondary School, Koondla, District Baran (Raj.).
4. Dr. Mohammad Ibrahim S/o Shri Nabab Khan, Aged About 29 Years, R/o Village-Chadva Urf Jhadwa, Post-Gagriya, Tehsil Ramsar, District-Barmer (Raj.)
5. Dr. Mahipal Singh Jaitawat S/o Shri Devi Singh, Aged About 28 Years, R/o Village-Kelwad, Tehsil Sojat, District Pali (Raj.).
6. Dr. Vijendra Kumar Sharma S/o Shri Rampal Sharma, Aged About 29 Years, R/o Village-Kalyanpura, Tehsil Amer, District Jaipur (Raj.).
7. Dr. Bhawana Kanwar D/o Shri Samder Singh, Aged About 29 Years, R/o Village-Melawas, Tehsil Marwar

Junction, District Pali (Raj.).

8. Dr. Kamlesh Kumar Meena S/o Shri Suresh Chand, Aged About 28 Years, R/o 3-G-53, Mahaveer Nagar, Ext. District Kota (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer through its Secretary.
3. Veterinary Council of India, Address - Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.
4. Kamdhenu University, B-1 Wing, 4th Floor, Block 1, Karmayogibhawan, Sector 10 A, Sector 10, Gandhinagar, Gujarat through its Registrar.
5. Nanaji Deshmukh Veterinary Science University, Near Empire Square, South Civil Lines, Jabalpur, Madhya Pradesh through its Registrar.

----Respondents

(13) S.B. Civil Writ Petition No. 678/2024

1. Dr. Rohit Sankhala S/o Shri Chinna Ram Sankhla, Aged About 34 Years, R/o Plot No 123, Shanti Priya Nagar Extension, Near Thar Dry Port, District Jodhpur (Raj.).
2. Dr. Mukesh Kumar S/o Shri Purakh Singh, Aged About 30 Years, R/o VPO Kaludi, Tehsil Pachpadra, District Barmer (Raj.).
3. Dr. Dalu Ram Meena S/o Shri Bhori Lal Meena, Aged About 28 Years, R/o Village Birajpura, Post Todabhata, Tehsil Bassi, District Jaipur (Raj.).
4. Sunita Rolania D/o Shri Mohan Lal, Aged About 28 Years, R/o Ward No. 14, Gidawala, Shrimadhopur, District Sikar (Raj.).

----Petitioners

Versus

1. State of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer through its Secretary.
3. Veterinary Council of India, A-Wing, 2nd Floor, August Kranti Bhawan Cama Place, New Delhi, through its Secretary.
4. Kamdhenu University, B-1 Wing, 4th Floor, Block 1, Karmyogi Bhawan, Sector 10 A, Sector 10, Gandhinagar, Gujarat through its Registrar.
5. Nanaji Deshmukh Veterinary Science University, Near Empire Square, South Civil Lines, Jabalpur, Madhya Pradesh through its Registrar.

----Respondents

(14) S.B. Civil Writ Petition No. 750/2024

1. Dr. Bharat Bandhu S/o Shri Deva Ram Meghwal, Aged About 26 Years, R/o VPO Manora, Via Jawal, District Sirohi (Raj.).
2. Dr. Subhash Chander S/o Shri Chunni Lal, Aged About 27 Years, R/o Ward No. 19, Near Bus Stand, Tehsil Raisinghnagar, District Sriganganagar (Raj.).
3. Dr. Mamta Laxmi D/o Shri Mahender Kumar, Aged About 28 Years, R/o 10/42 Mukta Prasad Colony, Bikaner (Raj.).
4. Dr. Rameshwar Meena S/o Shri Brij Mohan Meena, Aged About 26 Years, R/o Village - Kankarda, Po Sarola Kalan, Tehsil Khanpur, District Jhalawar (Raj.).
5. Dr. Nisha Yadav D/o Shri Sube Singh Yadav, Aged About 27 Years, R/o H.No. 1285, Village Saga, Buhana, District Jhunjhunu (Raj.).
6. Dr. Deepak Kumar Sharma S/o Shri Radhe Shyam Sharma, Aged About 26 Years, R/o Kushal-Pura, Bansa, Tehsil Chomu, District Jaipur (Raj.).
7. Dr. Kavita Kumari D/o Shri Om Prakash, Aged About 31 Years, R/o Birol, Tehsil Nawalgarh, District Jhunjhunu (Raj.).

8. Dr. Sundar Lal Maurya S/o Shri Kalu Ram Maurya, Aged About 25 Years, R/o Village - Papra Kalan, Tehsil Udaipurwati, District Jhunjhunu (Raj.).

9. Dr. Gaurav Bhardwaj S/o Shri Rajesh Bharadwa, Aged About 27 Years, R/o 31/32, Balaji Vihar, Chawand Ki Mand, Ramgarh Road, Saipura, Jaipur (Raj.).

----Petitioners

Versus

1. State of Rajasthan, through the Secretary, Department of Animal Husbandry, Secretariat, Jaipur.

2. Rajasthan Public Service Commission, Ajmer through its Secretary.

3. Veterinary Council of India, A-Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.

4. Rajasthan University of Veterinary and Animal Sciences (Rajuvas), Vijay Bhawan, Near Pandit Deendayal Upadhyay Circle, Bikaner, through its Registrar.

----Respondents

(15) S.B. Civil Writ Petition No. 2193/2024

Dr Mohit Dayma S/o Shri Mohan Lal Dayma, Aged About 26 Years, R/o Plot No 02 Krishna Vihar C Mangyawas Road Rajat Path Mansarovar Jaipur Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.

2. Rajasthan Public Service Commission, Ajmer, through its Secretary.

3. Veterinary Council Of India, Add - A-Wing, 2nd Floor, August Kranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.

4. Bihar Animal Sciences University, Bihar Veterinary College, Patna, Bihar.

----Respondents

(16) S.B. Civil Writ Petition No. 5816/2024

Mukesh Rajpurohit S/o Shri Pukh Raj Singh Rajpurohit, Aged About 29 Years, R/o Village And Post-Kaludi, Tehsil Pachpadara, District Barmer (Ra.).- 344 022.

----Petitioner

Versus

1. State of Rajasthan, through the Secretary, Department of Animal Husbandry, Government of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Ajmer through its Secretary.
3. Veterinary Council of India, Add A-Wing, 2nd Floor, Augustkranti Bhawan, Bhikhaji Cama Place, New Delhi, through its Secretary.
4. Anand Agricultural University, Anand- 388110, Gujarat, India-through its Registrar.

----Respondents

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Hanuman Singh Mr. R.N. Mathur, Sr. Advocate through V.C. assisted by Mr. Utkarsh Dubey through V.C. Mr. Sandeep Shah, Sr. Advocate assisted by Mr. Abhimanyu Singh Rathore Mr. Tanveer Ahamad, through V.C. Mr. S.P. Sharma Mr. Bhavit Sharma Mr. Shovit Jhajharia, through V.C. Mr. Raghu Nandan Sharma, through V.C.
For Respondent(s)	:	Mr. Rajendra Prasad, Advocate General through V.C. assisted by Mr. Anirudh Singh Shekhawat Mr. Yuvraj Samant, through VC Mr. I.R. Choudhary, AAG Ms. Mahi Yadav, AAG through VC Mr. Arvind Kumar Arora, through VC Mr. Akhil Simlote, through VC

Mr. Arvind Kumar Yadav, through VC
Mr. Deepak Bishnoi, through VC
Ms. Neha Amola, through VC
Mr. Mahesh Thanvi
Mr. Pramendra Bohra

JUSTICE DINESH MEHTA

Judgment

Reserved on : 04/12/2024

REPORTABLE **Pronounced on : 09/01/2025**

1. The question involved in writ petitions is common and therefore, they are being disposed of conjointly.

2. The petitioners of the writ petitions enlisted in Group 'A' (Serial Nos.1 to 5) have approached this Court with the grievance that while issuing list of selected candidates, the respondent – Rajasthan Public Service Commission (hereinafter referred to as 'the Commission') has wrongly included those candidates, who have simply got themselves enrolled in the Final Year of the academic course, while the petitioners of writ petitions of Group 'B' (Serial Nos.6 to 16) have preferred the writ petitions under the apprehension or that the Commission would reject their candidature and in some cases challenging their non-inclusion in the select list notwithstanding the fact that they had cleared the Final Year Examination on the date of interview and they fulfill the eligibility criterion mentioned in the Advertisement.

3. The basic question, which requires determination is; as to whether a candidate, who has got himself enrolled in the Final Year of the Bachelor's Degree in Veterinary Science and Animal Husbandry (hereinafter referred to as 'B.V.Sc.') is eligible or he

should necessarily have appeared or is appearing in the Final Year Examination of B.V.Sc. Course at the time of submitting application form. In other words, "what is the eligibility criterion for a candidate to apply for the recruitment to the post of Veterinary Officer"?

4. The facts pertinent for the present purposes are that the respondent – Commission issued an advertisement dated 22.10.2019 seeking to fill up 900 post of Veterinary Officers. According to the terms of the advertisement, the requisite educational qualification was as under:-

<table>
<tr><td colspan="2">शैक्षणिक योग्यताः–
(1) Bachelor's Degree in Veterinary Science and Animal Husbandry or its equivalent from a recognized University.
(2) Working knowledge of Hindi written in Devnagri Script and knowledge of Rajasthani Culture.
नोटः– 1. अभ्यर्थी को राजस्थान राज्य पशु चिकित्सा परिषद् में रजिस्टर्ड होना चाहिए तथा विस्तृत आवेदन पत्र/साक्षात्कार के समय पंजीयन प्रमाण पत्र प्रस्तुत करना आवश्यक है।
2. अभ्यर्थी को साक्षात्कार में सम्मिलित होने की दिनांक तक इन्टर्नशिप ट्रेनिंग पूर्ण करना आवश्यक है।</td></tr>
<tr><td>शैक्षणिक अर्हता संबंधी प्रावधान</td><td>उक्त पद की अपेक्षित शैक्षणिक अर्हता के अंतिम वर्ष में सम्मिलित हुआ हो या सम्मिलित होने वाला व्यक्ति भी आवेदन करने के लिए पात्र होगा, किन्तु उसे आयोग द्वारा आयोजित साक्षात्कार से पूर्व शैक्षणिक अर्हता अर्जित करने का सबूत देना होगा, अन्यथा वह अपात्र होगा।
नोटः– साक्षात्कार से पूर्व अभिव्यक्ति का आशय साक्षात्कार की प्रक्रिया प्रारंभ होने की दिनांक (साक्षात्कार का पहला दिन) है।</td></tr>
</table>

5. The advertisement aforesaid was issued under the Rajasthan Animal Husbandry Service Rules, 1963 (hereinafter referred to as 'the Rules of 1963') and it clearly stipulated that the candidates must carefully read the conditions mentioned in the advertisement so also the Rules of 1963.

6. Rule 11 of the Rules of 1963 prescribes academic and technical qualifications as under:-

> "11. Academic and Technical Qualifications:- A candidate for direct recruitment to the post specified in the Schedule shall possess (1) the qualifications given in Column 4 of the Schedule, and
>
> (2) Working knowledge of Hindi written in Devnagri Script and knowledge of Rajasthani culture.
>
> Provided that the person who has appeared or is appearing in the final year examination of the course which is the requisite educational qualification for the post as mentioned in the rules or schedule for direct recruitment, shall be eligible to apply for the post but he/she shall have to submit proof of having acquired the requisite educational qualification to the appropriate selection agency:-
>
> (i) before appearing in the main examination, where selection is made through two stages of written examination and interview;
>
> (ii) before appearing in interview where selection is made through written examination and interview;
>
> (iii) before appearing in the written examination or interview where selection is made through only written examination or only interview, as the case may be."

7. The petitioners mentioned in Group 'A' have preferred the writ petitions contending inter-alia that the respondents have wrongly included those candidates in the select list, who had simply got themselves enrolled in the Fifth Year (Final Year) of the B.V.Sc. Course ignoring the fact that they had not appeared in such examination when they submitted their application forms.

Preliminary Objections and petitioners' Response:

8. Two preliminary objections were raised by the respondents led by Mr. Rajendra Prasad, learned Advocate General for the

State and Mr. Yuvraj Samant appearing for the respondent – Commission claiming that the writ petitions of Group 'A' suffer from delay and laches. It was also argued that having appeared in the selection process, the petitioners' challenge to the terms of the advertisement is impermissible rather barred by acquiescence.

9. Learned counsel for the respondents submitted that the advertisement was issued on 22.10.2019 containing a note, according to which, all the candidates who have got admission in the Final Year of the B.V.Sc. would be held eligible to apply for the recruitment to the post and argued that if the petitioners had any objection qua their inclusion or qua such note, they ought to have raised the grievance immediately on issuance of the advertisement. They argued that the writ petitions (Group 'A') which have been filed in the year 2024, after the appointments being granted, are highly belated.

10. Learned Advocate General relied upon following judgments:

(a) **Tajvir Singh Sodhi & Ors. vs. The State of Jammu & Kashmir & Ors.,** reported in **AIR 2023 SC 2014** (Para 12)

(b) **State of Uttar Pradesh vs. Arvind Kumar Srivastava**, reported in **(2015) 1 SCC 347** (on the issue of delay and laches).

11. Mr. Samant also relied upon the judgment in the case of **Tajvir Singh Sodhi (supra)**.

12. Mr. Arvind Kumar learned counsel for the private respondents placed reliance upon the case of **Ramjit Singh Kardam & Ors. vs. Sanjeev Kumar & Ors.**, reported in **AIR 2020 (SC) 2060.**

13. Responding to preliminary objections so raised, Mr. Vikas Balia, learned Senior Counsel and Mr. Tanveer Ahamad learned counsel for the petitioners (Group 'A') contended that the petitions do not suffer from delay and laches inasmuch as until the result was declared, no cause of action had accrued to the petitioners. They submitted that the final result or list of candidates to be appointed was issued on 26.05.2024 and it was only at such point, that the petitioners came to know that many a candidates have been offered appointment, who did not possess academic and technical qualifications at the time of submitting application forms as prescribed in Rule 11 of the Rules of 1963. He argued that the writ petitions cannot be alleged to be belated.

14. While maintaining that even as per the condition of the advertisement, only those candidates could be considered eligible, who had appeared or were appearing in the Final Year Examination, learned counsel submitted that since the advertisement clearly made a mention of the Rules of 1963, the petitioners were under bona-fide belief that the candidature of ineligible candidates would be rejected and thus, kept waiting for the final select list.

15. Responding to the preliminary objections, Mr. Balia, learned Senior Counsel pointed out that the subject advertisement dated 22.10.2019 made a reference of detailed information and required a candidate to go through the relevant rules and contended that the petitioners were bona-fidely waiting for the final decision of the Commission, hence, they cannot be non-suited on the ground of delay.

16. Learned counsel for the petitioners relied upon the following judgments:-

Group 'A'

(i) Malik Mazhar Sultan & Anr. vs. U.P. Public Service Commission, reported in **(2006) 9 SCC 507 (Para 21 and 24).**

(ii) Ashok Kumar Sonkar vs. Union of India & Ors., reported in **(2007) 4 SCC 54 – Para 40**

(iii) Rakesh Bakshi & Anr. vs. State of Jammu & Kashmir & Ors., reported in **AIR 2019 (SC) 662.**

17. Countering the respondents' argument of delay (of four years), learned counsel for the petitioners argued that when first list was issued (list of candidates who were called for interview), the petitioners were thinking that all such ineligible candidates would be excluded at the time of document verification. He argued that until the screening of the document or the examination of petitioners' educational qualifications or eligibility is undertaken, the petitioners had no cause of action.

18. Mr. R.N. Mathur, learned Senior Counsel appearing for the petitioners in Writ Petition No. 14022/2024 (Virendra Singh & Ors. vs. State of Rajasthan & Ors.) registered at Jaipur Bench echoed the same submission by different articulation that the cause of action had not accrued simply upon issuance of the advertisement; the same as a matter of fact accrued when the petitioners came to know that ineligible candidates have been selected.

19. He submitted that though the result of screening test was declared on 26.11.2020, but the documents were examined after the interview process and therefore, they were bona-fidely waiting

for the final decision of the Commission. And immediately when the final select list was issued in the year 2024, the petitioners have preferred the writ petitions challenging the action of the respondent – Commission, which has apparently included ineligible candidates in such list.

20. Learned counsel submitted that the petitioners could not conceive that the Commission would not follow the clear language of the Rules of 1963 and would depart from the stand, which it had taken, while contesting the writ petitions which were preferred in previous recruitments of 2011 & 2013 in the case of **Rameshwar Prasad Choudhary vs. State of Rajasthan & Anr, (S.B. Civil Writ Petition No. 3659/2016)** and other cases decided by Jaipur Bench on 25.07.2016 and **Manoj Kumar & Ors. vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 3271/2016)** decided on 16.08.2016 affirmed by Division Bench vide judgment dated 25.08.2017 passed in the case of **Manoj Kumar & Ors. vs. The State of Rajasthan & Ors. (D.B. Special Appeal (Writ) No. 858/2016** at Jodhpur.

21. Argument of learned Advocate General that the petitioners have acquiesced by taking part in the recruitment process was addressed by Mr. Balia, learned Senior Counsel by submitting that the condition of the advertisement has not been challenged on the ground of it being arbitrary or partisan and the same has been challenged for being contrary to the Rules of 1963 and therefore, such challenge is not hit by the principle of acquiescence. He added that the basic challenge is of the illegal inclusion of the

candidates in the select list and the challenge to the condition of advertisement is incidental and an alternative/corollary argument.

22. Mr. Sharma, learned counsel for the petitioner of one of the similar writ petitions, pointed out that some of the eligible candidates had filed writ petitions being S.B. Civil Writ Petition Nos. 16900/2019 and 13185/2020 apprehending that the respondent – Commission would wrongly include the candidates, who had not appeared in the Final Year Examination on the date of issuance of the advertisement and argued that the objections of delay and laches so also of acquiescence raised by the learned Advocate General and the respondent - Commission would not be applicable to those cases, as those writ petitions had been filed by the petitioners at the very first instance in the year 2020 itself.

23. While pointing out that the selections have been made subject to those writ petitions, learned counsel argued that if his writ petitions are heard on merit, obviously the preliminary objections of delay and laches and acquiescence would not come in the way and prayed that all the matters be decided on their merit rather than rejecting them on the basis of preliminary objections, which are otherwise untenable in law.

24. Detailed arguments were advanced by rival counsel on the preliminary objections regarding maintainability of the writ petitions, which were heard on 27.11.2024. But, the Court was, however, of the view that the issues cannot be decided in piecemeal and thus asked rival counsel to make submissions on merit of the case as well, so that a composite judgment can be delivered. However, due to time constraints, the matters were

adjourned to 04.12.2024, when detailed arguments on merit of the case were heard.

Contentions on merit by the petitioners (Group 'A'):-

25. Mr. Balia, learned Senior Counsel navigated the Court through the relevant conditions of the advertisement and underscored that the recruitment process was to take place in two phases – first, Screening Test and then Interview; and according to the terms of the advertisement 40 marks were earmarked for written test (40% weightage of the marks obtained in screening test); 20 marks were allocated for academic qualification and 40 marks were for the interview and accordingly merit list out of 100 marks was to be prepared.

26. He submitted that the last date of submitting application form was 24.11.2019; Screening Test was held on 02.08.2020; its result was declared on 26.11.2020; while interviews were conducted on 29.09.2023 and documents verification took place thereafter. He asserted that the petitioners (of Group 'A') came to know only in March, 2024 that ineligible candidates were not ousted from the selection process and all those candidates who could satisfy the Commission that they had cleared the Third Year Examination of B.V.Sc. and had got admission in Fourth (Final) Year of the Course have been held eligible and included in the list of selected candidates.

27. Learned Senior Counsel informed that prior to 2015, the Bachelor's Degree in Veterinary Science used to comprise of 5 years academic qualification followed by 6 months' internship, whereas after 2015, the pattern has changed and now it is 4 years

of academic qualification followed by one and a half year of internship. Learned counsel submitted that the eligibility of all those candidates, who have got admission in the year 2015 is questionable, because the advertisement was issued on 22.10.2019.

28. He contended that at the best, such candidates had cleared Third Year Examination of the academic course and got admission in Fourth Year. He added that Third Year Examinations of University were held somewhere in September, 2019 and the result (Third Year Examination) was declared in October-November of 2019 and therefore, the candidates who got admitted in the B.V.Sc. in the year 2015, by no stretch of imagination can claim that they had appeared in Final Year Examination, on the relevant date 24.11.2019 being the last date of submitting application forms. He argued that getting admission in Final Year is not enough to acquire eligibility to apply for the recruitment in question.

29. Inviting Court's attention towards proviso to Rule 11 of the Rules of 1963, learned counsel emphasized that the same in unequivocal terms uses expression '<u>has appeared in Final Year Examination or is appearing in the Examination</u>' and contended that the respondent – Commission has distorted the clear language of the proviso while inserting a poorly worded condition in the advertisement. A condition, which was intended to convey what is contained in proviso to Rule 11 of the Rules of 1963, due to omission or inadvertence, has been so drafted that the

expression used, gives an impression that a candidate who has got admission in the Final Year Examination shall also be eligible.

30. Mr. Balia, firstly stressed over the expression 'Final Year Examination' and then argued that even if the advertisement gives an impression that a candidate who has got admission in Final Year of the B.V.Sc. is eligible to apply, the same cannot be given any credence, because the note in question is in teeth of the express provision contained in proviso to Rule 11 of the Rules of 1963.

31. Learned Senior Counsel emphasized that when the relevant Rule uses the expression 'appeared or appearing in Final Year Examination', the eligibility to apply for the post has to be 'examination'. Any error or omission of the Commission while framing conditions of the advertisement cannot overtake or override the statutory provisions.

32. Learned Senior Counsel submitted that the judgment of Jaipur Bench rendered on 25.07.2016 in the case of Rameshwar Prasad Choudhary (supra) so also observations made by the same Bench while deciding the review petition (**S.B. Writ Review Petition No. 127/2016 : Girraj Prasad Sharma & Ors. vs. State of Rajasthan & Ors.**) on 20.01.2017 had left no room for ambiguity.

33. He asserted that the Commission in the previous recruitments for the very post (Veterinary Officer) initiated vide advertisements dated 08.03.2011 and 02.05.2013 took a categorical stand that only those candidates are eligible, who have appeared in Final Year Examination and not those who would be

appearing. He argued that when such stand of the Commission has been approved by the Jaipur Bench while deciding the case of Rameshwar Prasad Choudhary (supra), there was no justification with the Commission to take the plea that the candidates, who have got admission in Final Year are also eligible to apply.

34. He argued that apart from the judgments aforesaid, the respondent – Commission is bound by its own stand. He wondered as to how can the Commission take two different stands in two recruitments for the very same post in exactly identical facts and squarely similar statutory position.

35. Learned Senior Counsel submitted that not only the Jaipur Bench in the case of Rameshwar Prasad Choudhary (supra), even a co-ordinate Bench at Jodhpur vide its judgment dated 16.08.2016 in the case of Manoj Kumar (supra) has taken the same view, and such view has been affirmed by the Division Bench in D.B. Special Appeal (Writ) No. 858/2016 decided on 25.08.2017.

36. After reading the operative part of all the three judgments, learned Senior Counsel went on to comment in bewilderment – how can the Commission dare to take a stand and an interpretation, which is contrary to its own stand which was previously taken and which is in direct conflict with the adjudication made by this Court, in which it was a party!

37. The Court’s attention was drawn towards the representation dated 27.09.2023 furnished by one of the petitioners in a bid to contend that a grievance was raised that those candidates have been included in the process of interview, who have cleared Final

Year Examination in the year 2020 and that inclusion of such candidates was not legal in light of judgment given by the High Court at Jaipur and Jodhpur.

38. Learned Senior Counsel submitted that despite such representation, the Commission had issued letters dated 29.09.2023 and asked the candidates to furnish proof of admission in the Final Year. He argued that the stand of the Commission that all those candidates who have got admission in the Final Year by the date of advertisement i.e. 22.10.2019 is eligible to apply, is clearly contrary to Rules and the judgments passed by this Court.

39. He reiterated that even if the terms of the advertisement give rise to some confusion and suggest that a candidate who has got admission in Final Year of B.V.Sc. is eligible, such interpretation deserves to be avoided, as the same would violate the mandate of proviso to Rule 11 of the Rules of 1963.

Submissions of Co-counsel:

40. Mr. S.P. Sharma, learned counsel for the petitioners (of Group ‘A’ cases) submitted that the petitioners of Group ‘B’ cases are misinterpreting the Note of the advertisement. He argued that even as per said Note, only those candidates were eligible to apply, who had appeared in the examinations. He argued that the Note in question, though not happily worded, but is in conformity with the Rules of 1963 and therefore, the writ petitions filed by the petitioners of Group ‘A’ deserve acceptance, while the writ petitions filed by the petitioners of Group ‘B’ merit rejection.

Submissions of petitioners of Group 'B':

41. Mr. Sandeep Shah, learned Senior Counsel appearing for the petitioners (of Group 'B' cases) at the outset argued that the judgment of this Court in the case of Manoj Kumar (supra) rendered on 16.08.2016 involved different set of facts and therefore, the observations made therein cannot be treated as a binding precedent in the present case. He added that the same is the position, when it comes to Jaipur Bench decision in the case of Rameshwar Prasad Choudhary (supra).

42. For the purpose of pointing out the factual distinction, Mr. Shah submitted that in both the cases, which relate to previous recruitments, the advertisements were issued on 02.05.2013 and 08.03.2011 and by that time the petitioners therein had not even cleared the Fourth Year Examination, for which, the Court held the petitioners therein to be ineligible and while doing so, a passing reference was made that Note No.2 (identical to the present case) was meant to deal with the candidates who had appeared or about to appear in Fifth Year Examination.

43. Having brought to fore the distinguishing features, learned Senior Counsel submitted that the respondent – Commission has taken a beneficial view in order to include more candidates, because the recruitment for the post of Veterinary Officer had taken place after 5-6 years and argued that if the recruiting agency – the Commission, has adopted an inclusive approach in order to include more candidates, this Court should refrain from interfering, more particularly, when all the petitioners have cleared

the Final Year Examination by the date of interview and acquired requisite academic qualification.

44. Learned Senior Counsel further submitted that for the post of Veterinary Officer, candidates from all parts of the country, who have undertaken their academic qualification (B.V.Sc.) from different colleges and Universities have applied. And since all the Institutions have different dates for holding examinations and submitting examination forms, the Commission has taken a pragmatic view and relaxed the eligibility requirement for filing application, with an object of removing difficulty and keeping uniformity, by way of condition no.2 in the advertisement. He submitted that such view of the Commission, which is in larger interest of the candidates does not warrant interference, moreso when such criteria has been uniformly applied.

45. Learned Senior Counsel submitted that the petitioners and other similar candidates have been held eligible as per the terms of the advertisement; they have cleared the screening test and interview and have been selected on the basis of marks they have obtained as per the norms set by the Commission and have even been offered appointment. He argued that since the petitioners have proved their merit over other candidates, the appointments given to the candidates like the petitioners, deserve to be saved, even if this Court finds some substance in the contention of the petitioners of Group ‘A’ cases. He prayed that the writ petitions filed by the petitioners of Group ‘B’ be allowed and the respondents be directed to accord appointments to them.

46. In support of his prayer aforesaid, learned Senior Counsel placed strong reliance upon what had been observed in Para No.9 of the judgment of Hon'ble Supreme Court in the case of **Maharashtra Public Service Commission & Ors. vs. Sandeep Shriram Warade & Ors.**, reported in **(2019) 6 SCC 362** and submitted that if there is some ambiguity in the Rules, the Court should lean in favour of an interpretation, which is beneficial to the candidates. The relevant part of aforesaid judgment given in Para No.9 is reproduced hereunder:-

> "9. … … … If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same."

47. Learned Senior Counsel further cited the judgment of Hon'ble the Supreme Court in the case of **Ramesh Chandra Shah vs. Anil Joshi,** reported in **(2013) 11 SCC 309 (Para 16 to 18)** to contend that a candidate having consciously taken part in the process of selection cannot turn around and question the method of selection and its outcome**.**

48. Learned Senior Counsel at the end submitted that the petitioners have not only participated in the selection process but have proved their merit over other candidates and therefore, at this juncture, they should not be ousted and alternatively prayed

that their appointment be saved and appropriate direction be issued to the respondents to accommodate them against future vacancies that arose after 22.10.2019, if not against the present vacancies.

Submissions of Mr. Samant on behalf of RPSC:

49. Mr. Samant, learned counsel appearing for the respondent – Commission submitted that since various Universities/institutions have different dates for submitting examination forms and examinations, in order to remove difficulty to the candidates and with a view to ensure uniformity, the Commission had consciously taken a decision that all those candidates who have passed Third Year Academic Course and have got admission in the Fourth Year, would be treated eligible to apply. He submitted that such view of the Commission is based on purposive interpretation of Rule 11 of the Rules of 1963, including its proviso.

50. While submitting that the contentious Note in the advertisement has been drafted in order to expand the candidates – base and include more candidates, learned counsel contended that such criteria has been uniformly applied and argued that the petitioners of Group 'B' and other similarly situated candidates have not only cleared the Screening Test, but have also fared well in the interview and therefore, whosoever was more meritorious has found his place in the select list.

51. Mr. Samant further submitted that in any event all the candidates whose names have been reflected in the list of candidates recommended for appointment, have passed the Final Year Examination on the relevant date (interview) as mandated by

Rule 11 of the Rules of 1963 and the terms of the advertisement. He argued that since they have acquired requisite educational qualification at the time of document verification, they deserve to be held eligible.

52. It was alternatively argued by Mr. Samant that the Court should adopt a liberal approach, when it comes to eligibility to apply for the post; the strict view regarding eligibility should no doubt be adopted when it comes to the eligibility or educational qualification at the time of being finally selected.

53. On Court's query that why the Commission has changed his stand in the present recruitment, when the Commission's stand earlier was that the candidates who have appeared in the Final Year Examination or are appearing in such examinations alone are eligible to apply; Mr. Samant had no response/comment to offer.

Submissions of Mr. Thanvi on behalf of RPSC:

54. Mr. Mahesh Thanvi, learned counsel appearing for the respondent – Commission in S.B. Civil Writ Petition No. 17934/2023 brought to fore the fact that as per the information provided by the Veterinary University, the result of the Fourth Year Examination was declared on 16.11.2019, whereas the last date of submitting application form was 24.11.2019 and argued that none of the petitioners of Group 'B' can claim eligibility to apply, because they had not even got admission in the Final Year Course by 24.11.2019, what to talk of Final Year Examinations.

Rejoinder submissions:

55. Mr. Balia, learned Senior Counsel appearing for the petitioners (Group A) in rejoinder submitted that Rule 11 of the Rules of 1963 is clear and open to no two interpretations inasmuch as, it uses the expression "Final Year Examination". He accepted that a candidate who had filled in the examination form for the Final Year apart from the one who had appeared in such examination on the date of Advertisement i.e. 22.10.2019, may be considered eligible to apply, even if he had not completed his/her internship. But unless a candidate had filled in examination form for the Final Year Examination upto the last date of submitting application form, he cannot be held eligible to apply pursuant to the recruitment Notification dated 22.10.2019.

56. Learned Senior Counsel submitted that what has been held in the judgments in cases of Manoj Kumar (supra), Rameshwar Prasad Choudhary (supra) and Division Bench judgment in the case of Manoj Kumar (supra) dated 25.08.2017, cannot be said to be an obiter, more particularly, when the Rules in question were the very same Rules which have been interpreted by the Court. He submitted that small distinction in facts cannot change the legal position, which has been set at rest by this Court.

57. It was argued that it was the faulty drafting of the condition and not of the advertisement, which has led to confusion, otherwise the stand of the Commission has always been that the candidates who have appeared or are appearing in the Final Year Examination alone can contest for the post, as can be discerned from the argument that was advanced by the Commission in the above referred cases.

58. He vehemently argued that but for the proviso to Rule 11 of the Rules of 1963 or the Note appended to the advertisement, a candidate who has not completed the graduation in B.V.Sc. could not even fill in the application form. And the proviso has been inserted only with a view to provide benefit to those candidates, who have completed their studies of Final Year and were about to appear or had appeared in the examination and whose result is awaited. He argued that such leeway provided to the candidates cannot be stretched to the extent to which the petitioners of Group 'B' are attempting to.

59. Heard learned counsel for the parties and perused the record and the relevant law.

Discussion & Findings

(a) Preliminary Objections:-

60. The respondent – Commission and the State have raised preliminary objections regarding maintainability of the writ petitions filed by the petitioners of Group 'A' cases primarily on the ground of delay and laches and acquiescence.

61. It is to be borne in mind that the advertisement was issued on 22.10.2019, with a clause relating to eligibility/academic qualification, wherein the expression 'परीक्षा' (examination) is conspicuously missing. In normal circumstances, the State can justifiably contend that if the petitioners (of Group 'A') had any concern about such clause, they ought to have challenged the same by preferring writ petition immediately on the issuance of the advertisement.

62. Indisputably, a condition with similar stipulation had been appended by the Commission in its earlier Advertisements dated 08.03.2011 and 02.05.2013 and dealing with such clause, co-ordinate Benches of this Court at Jaipur so also at Jodhpur and even Division Bench had held that only those candidates were eligible to apply who had appeared or had been appearing in the Final Year Examination.

63. It is intriguing that the stand of the Commission in the previous recruitments had been in line with the provisions of Rule 11 of the Rules of 1963. As such, the petitioners' plea that they bona-fidely remained under the belief that the respondent – Commission would follow the mandate of Rule 11 of the Rules of 1963 and exclude all those candidates who were ineligible as per enunciation made by this Court in the cases of Rameshwar Prasad Choudhary (supra) and Manoj Kumar (supra) cannot be said to be ill founded.

64. The cause of action, as a matter of fact, has accrued to the petitioners only when the respondent – Commission has issued select list and included the candidates who did not appear in the Final Year Examination on 24.11.2019, being the last date of submitting application forms. Since the cause of action has accrued to the petitioners on the issuance of select list, the preliminary objection raised by the respondents that the writ petitions suffer from delay and laches is untenable and liable to be repelled. The same is, therefore, rejected.

65. The judgment in the case of Tajvir Singh Sodhi (supra) and Arvind Kumar Srivastava (supra) cited by learned Advocate

General and Mr. Samant on delay and laches are clearly distinguishable.

66. Another contention that has been zealously put forth by learned Advocate General that the petitioners having appeared in the selection process cannot challenge the terms of the advertisement on the principle of acquiescence is equally feeble. As a matter of fact, the petitioners' challenge cannot be said to be a challenge to the contentious Note regarding the academic qualification appended in the advertisement; the challenge in essence is to the action of the Commission which has misconstrued the Note after having mis-spelt it.

67. Even if it is said to be a case of challenging the terms of the advertisement, the principle laid down by this Court and by Hon'ble the Supreme Court that a candidate having taken part in the selection process cannot challenge the terms thereof, cannot take away the petitioners' right to challenge, as said principle is applicable in the cases, where the petitioners assail the condition of the advertisement which hinders or impedes their way of getting selected or recruited.

68. As a matter of fact, the petitioners (Group 'A') have challenged inclusion of the candidates/petitioners of Group 'B' based on incorrect interpretation of the condition, due to which the candidates, who according to plain reading of Rule 11 are ineligible have been treated eligible and in such process, the challenge to the condition has also been raised. As the petitioners (Group 'A') have not called in question any condition obstructing

their way of getting selected, the principle of acquiescence is inapplicable to their cases.

69. In the case of **Ramjit Singh Kardam (supra)**, Hon'ble the Supreme Court has observed that once a candidate takes a calculated chance and appears at interview, then only because result of interview is not palatable to him, he cannot turn around and subsequently contend that process of interview by selection committee was unfair. The facts of the preset case (Writ Petitions of Group 'A') are clearly distinguishable from the case of Ramjit Singh Kardam (supra).

70. The petitioners (Group 'A') cannot be said to have accepted the condition and ventured to challenge the same subsequently. Principle of acquiescence means acceptance of a condition and then, having failed to get through, accusing such condition. As against this, the petitioners have challenged the improperly, rather wrongly worded condition, due to which the ineligible candidates have sailed through and got selected, dehors the clear provisions of Rule 11 of the Rules of 1963.

71. This Court hardly finds any substance in the preliminary objection raised by the respondents. The petitioners (Group 'A'), therefore, cannot be non-suited on the ground of delay and laches. That apart, when a writ petition of like relief has already been filed by a candidate before this Court (S.B. Civil Writ Petition No. 13185/2020 titled as Ramakant Soni vs. Rajasthan Public Service Commission, Ajmer & Ors.) in the year 2020 itself and the same is pending, dismissal of writ petitions (Group 'A') filed in the year 2024 would be of little avail to the respondents.

72. If the text of Rule 11 with its first proviso is taken into account, it is unequivocally clear that only those candidates who have appeared or are appearing in the Final Year Examination of the B.V.Sc. are eligible to vie for the post of Veterinary Officer. But the question, which crops up is; which is the stage at which a candidate can be said to be appearing in the examination?

73. So far as the expression 'candidates who have appeared' is concerned, there cannot be a quarrel - such candidates can furnish a proof of submitting time-table/admit card of the Final Year Examination and it can be easily determined. But, a difficulty may arise qua the expression "appearing in Final Year Examination of the Course". According to this Court, a candidate can be said to be appearing in the concerned examination once he has submitted examination form and deposited the requisite examination fee. Prior to such stage, a candidate even if he/she has got admission in the Final Year of the course and is pursuing the course, cannot claim that he/she is appearing in the Final Year Examination.

74. Both literal and purposive interpretation of the Rule would mean and include only those candidates, who as a matter of fact, have appeared in the Final Year Examination or the candidates who have filled-in their examination form and deposited the requisite fee for Final Year Examination.

75. It is, therefore, clear that going by the Rules, the Commission is supposed to ask the candidates to furnish proof of date of submitting their examination form/examination fee of Final Year Examination and copy of admit card, so as to ascertain that on the last date of submitting application form whether the

candidate had already appeared in the Final Year Examination or was appearing in the Final Year Examination or not. If a candidate is unable to furnish such proof, he/she can be safely held ineligible to apply for the post.

76. The subject Note reads thus:-

> "उक्त पद की अपेक्षित शैक्षणिक अर्हता के अंतिम वर्ष में सम्मिलित हुआ हो या सम्मिलित होने वाला व्यक्ति भी आवेदन करने के लिए पात्र होगा, किन्तु उसे आयोग द्वारा आयोजित **साक्षात्कार से** पूर्व शैक्षणिक अर्हता अर्जित करने का सबूत देना होगा, अन्यथा वह अपात्र होगा।
>
> **नोटः– साक्षात्कार से पूर्व अभिव्यक्ति का आशय साक्षात्कार की प्रक्रिया प्रारंभ होने की दिनांक (साक्षात्कार का पहला दिन) है।"**

If the offending Note is read in its entirety, it is apparent that the expression **'की परीक्षा'**, between the expression **'अंतिम वर्ष'** and **'में सम्मिलित'** is missing due to inadvertence or error of draftsman, while preparing terms of the advertisement.

77. If read carefully, it is apparent that it is not meant for candidates who have taken admission in the Final Year, else the use of expression **'सम्मिलित हुआ हो या सम्मिलित होने वाला'** becomes otiose or redundant. Though not permissible as per the provision of Rule 11, even if the intention of the Commission was to include all those candidates who had taken admission in the Final Year, then the simple expression **"अंतिम वर्ष में प्रविष्ठ या प्रवेशित हो, आवेदन करने का पात्र होगा"** would be sufficient. The expression 'सम्मिलित हुआ हो या सम्मिलित होने वाला' is used only to corelate it with the term 'परीक्षा or examination'. Because such expression (सम्मिलित हुआ हो या सम्मिलित होने वाला) is reflective of a continuing event, whereas admission is a one time event, for which this expression (**'सम्मिलित हुआ हो या सम्मिलित होने वाला'**) cannot be used.

78. This Court has no hesitation in holding that the Note in the advertisement relating to academic qualification "शैक्षणिक अर्हता" has been defectively drafted. It is not a case of two interpretations of the relevant provision; it is a case of oversight of the draftsman. The draftsman's lapse cannot be capitalized by the candidates, who were otherwise not eligible to apply for the post, for not having appeared in the Final Year Examination at the time of submitting application form.

79. Leaning in favour of the petitioners of Group 'B' cases would be doing disfavour to hundreds of such candidates, who did not attempt for the post pursuant to the advertisement dated 22.10.2019, considering themselves to be ineligible, as they had not appeared in the Final Year Examination.

80. Relevant it is to note, that the result of Fourth Year (preceding to the Final Year) was declared on 16.11.2019, while the last date of submitting application form was 24.11.2019. There might be hundreds of such candidates who had not submitted their examination form for the Final Year and did not apply for the post of Veterinary Officer considering the clear language of Rule 11 of the Rules of 1963.

81. This Court is unable to countenance the Commission's stand, which is contrary to what has been provided in first proviso to Rule 11 of the Rules of 1963. The Commission cannot be allowed to take a stance which is opposed to express provision of the Rule – a stand which seems to have been taken in order to obviate the embarrassment due to 'faux pas' resulting from the draftsman's fault.

82. It is settled position of law that when there is a conflict between the terms of the advertisement and the statutory Rules, what is contained in the Rules has to prevail and not the terms of the advertisement. This preposition of law is settled by Hon'ble the Supreme Court in the case of **Malik Mazhar (supra)** and **Ashok Kumar Sonkar (supra)** cited by learned counsel for the petitioners (Group 'A').

83. That apart, it has clearly been the stand of the Commission that a candidate to be eligible to apply must have appeared or must be appearing in the Final Year Examination, as can be gathered from the submission made by Mr. S.N. Kumawat, learned counsel who appeared for the Commission in the case of Rameshwar Prasad Choudhary (supra).

84. It would be apt to reproduce the stand of the Commission, as has been noticed in the judgment of Rameshar Prasad Choudhary (supra), as under:

> "Mr SN Kumawat, learned counsel appearing for the Commission has contested the writ petitions apart from learned Dy Government Counsel. It is submitted that petitioners were not eligible for selection for the post of Veterinary Officer. The application was permitted by those candidates who had appeared or appearing in the final year of the required course. On the date of submission of the application form by the petitioners, they neither appeared nor were appearing in the final year examination. The result of Fourth Year examination was declared in the month on 17.5.2011 which was subsequent to the last date for submission of application form. In view of above, petitioners cannot be said to be the candidates who had appeared or were appearing in the final year examination of the

> required course thus they have been declared ineligible for the post concerned."

85. A co-ordinate Bench of this Court at Jaipur in the case of Rameshwar Prasad Choudhary (supra) so also at Jodhpur in the case of Manoj Kumar (supra) have held that only those candidates can be said to be eligible, who have appeared or are appearing in the Final Year Examination. Reproduction of relevant findings recorded by this Court in the cases of (a) Rameshwar Prasad Choudhary (supra), (b) Manoj Kumar (supra) and (c) Division Bench judgment dated 25.08.2017 in the case of Manoj Kumar (supra), would not be out of context:-

> "(a)The rule aforesaid was amended by the Legislature to avoid hardship of those who have already appeared or appearing in the final year examination but due to delay in declaration of the result, remains ineligible though the selection test or interview is conducted after gap of some time. If the object aforesaid is taken into consideration, it protects those who have either appeared or appearing in the final year examination but not for those who would be appearing in the final year examination after gap of time, as is the present case."

> "(b) I have considered the arguments advanced by the learned counsel for the parties and perused the material available on record.
>
> The Note No.2 of the recruitment advertisement, reproduced hereinabove, clearly prescribes that the aspirant, for the post, should have appeared in the Final Year of the qualifying degree or should be appearing therein and only in such a condition, he/she would be entitled for applying against the advertised post. Admittedly, none of the petitioners had, cleared the IVth Year Examinations of the 5 year qualifying degree course which they were undergoing at the time

of issuance of the recruitment notification. Consequently, by no stretch of imagination, can the petitioners be considered as qualified for participating against the advertised vacancies. The Hon'ble Jaipur Bench of this Court examined an exact similar set of facts and rejected the writ petitions of candidates situated at par with the petitioners, by the order dated 25.07.2016. Thus, the petitioners too are required to be dealt with similarly.

As a consequence of the above discussion, the action of the respondents in holding the petitioners ineligible from participating in the questioned recruitment process cannot be termed to be illegal, arbitrary or perverse so as to call for any interference by this Court in the exercise of extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India."

"(c)We do not find any merit with the argument advanced.

The note on which appellants-petitioners are relying reads as follows:

"2.उक्त पदो की अपेक्षित शैक्षणिक अर्हता के अंतिम वर्ष में सम्मिलित हुआ हो या सम्मिलित होने वाला व्यक्ति भी आवेदन करने के लिए पात्र होगा, किन्तु उसे आयोग द्वारा आयोजित साक्षात्कार से पूर्व शैक्षणिक अर्हता अर्जित करने का सबूत देना होगा अन्यथा वह अपात्र होगा।"

A plain reading of the note aforesaid makes it crystal clear that the candidates applying in pursuance to the advertisement dated 02.05.2013 should have appeared in final year examination of B.V.Sc. or going to appear in final year examination. Admittedly, the appellant-petitioners on the date relevant were not student of final year examination of B.V.Sc. but of fourth year, as such, the note concerned was not having any application for them. The commission, therefore, rightly rejected candidature of the appellants-petitioners."

86. On perusal of the findings recorded in the above judgments of this Court, more particularly what has been discussed by the Division Bench in its judgment dated 25.08.2017 (Re: Manoj Kumar (supra)), it transpires that even the Note in the earlier recruitments was exactly the same, as is available in the present case. And dealing with such Note, the Division Bench has concluded that the candidates applying pursuant to the advertisement should have appeared in the Final Year Examination of B.V.Sc. or going to appear in the Final Year Examination.

87. Needless to mention that the advertisement dated 22.10.2019 makes a clear reference of the Rules of 1963 and cautions the candidates to carefully go through the Rules. Proviso to Rule 11 of the Rules of 1963 explicitly provides that only those candidates are eligible to apply, who have appeared or are appearing in the Final Year Examination. Overlooking such statutory position and ignoring the law, as has been settled by this Court in the above referred judgments, if the candidates have still applied and cleared the process of screening test, they have to thank themselves. Giving leverage or benefit of doubt to such candidates, would, according to this Court, be a misplaced sympathy.

88. Similar view has also been taken in the case of **Rakesh Bakshi (supra),** wherein Hon’ble the Supreme Court has observed that a person who clears the prescribed qualification after the cut-off date, cannot be considered qualified and their application itself ought to have been rejected.

89. The judgment of Hon'ble Supreme Court in the case of **Maharashtra Public Service Commission (supra)**, which Mr. Shah (counsel for petitioners in Group B cases) had cited cannot save their selection inasmuch as the condition of the advertisement itself is open to two interpretation and the same has not been drafted properly. This Court, therefore, concludes that regardless of the of language used in the clause relating to academic qualification (शैक्षणिक अर्हता संबंधित प्रावधान), only those candidates were eligible to apply pursuant to subject recruitment notification, who had appeared or were appearing in the Final Year Examination.

90. The candidates who had simply taken admission in the Final Year of the B.V.Sc. Course, but had neither appeared in the Final Year Examination nor had they filled-in examination forms with examination fee, cannot be held eligible to apply pursuant to the advertisement dated 22.10.2019.

91. Furthermore, in light of the observation made by Hon'ble the Supreme Court that the respondents can issue appointment orders, however, the same shall be provisional and shall remain subject to outcome of the final decision and considering the order which this Court has passed on 23.07.2020 in S.B. Civil Writ Petition No. 1543/2020, this Court is of the view that even on equity, the petitioners of Group 'B' are not entitled to any indulgence, as their appointment were/are provisional. Order dated 23.07.2020 is extracted hereinfra:-

> "Meanwhile, the respondents may conduct the examination for appointment to the post of Veterinary Officer, pursuant to the advertisement

dated 22.10.2019, however, the result and consequence shall remain subject to final outcome and/or further order(s) passed in the present writ petition."

92. As an upshot of discussions foregoing, the writ petitions filed by the petitioners of Group 'A' are therefore, allowed. The merit list/select list issued by the Commission to the extent of inclusion of candidates who have neither appeared in the Final Year Examination of B.V.Sc. nor have submitted examination form by 24.11.2019 (the last date of submitting application forms) is hereby quashed.

93. The Commission is directed to prepare a fresh merit list for recommendation to the State, excluding all such candidates who had neither appeared in the Final Year Examination of B.V.Sc. nor had filled in examination form and deposited examination fee by the last date of submitting application form i.e. 24.11.2019. Needful be done within a period of two months from the date of order instant.

94. Needless to mention that as a natural corollary to the acceptance of writ petitions of Group 'A', the writ petitions filed by petitioners of Group 'B' fail.

95. Stay applications and all other interlocutory applications also stand disposed of.

(DINESH MEHTA), J

1-5/Anil Makwana